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LR06-TR05-BLR-1 PLEADINGS

A. Filings

All causes – civil, criminal, probate, or small claims – may be commenced by personal filing of original pleadings or filing by mail of original pleadings in the office of the Clerk of Boone County. All other pleadings will be accepted and filed as of the date of receipt; provided, however, that any filing made by registered or certified mail, shall be complete upon mailing. All pleadings shall be filed with the Clerk, not directly to the Courts, unless the Indiana Rules of Procedure provide otherwise. Electronic facsimile transmission ("FAX") are not permitted.

B. Distribution and Service

No pleadings, order or notices, other than those originated by the Court, will be returned or distributed to attorneys, or to the party(ies), if not represented by counsel, by mail unless the Court is provided with stamped, self-addressed return envelopes. Pursuant to Indiana Rules of Procedure, T.R. 5(B) (1)(d), the Boone County Circuit, Superior I, and Superior II Courts hereby designate the mailboxes in the Boone County Superior I office as a suitable place for service upon local attorneys.

LR06-TR11-BLR-2 PRO SE LITIGANTS

No pleading or motion shall be accepted for filing from a pro se litigant unless the litigant's current address and phone number appear on the pleading. All notices and responses may be served on said pro se litigant at the current address listed in the Court file.

LR06-TR03.1-BLR-3 APPEARANCES

A. Entry of Appearance

- 1. Every pleading filed shall clearly identify the name, address and telephone number of the attorney filing the pleading. Any attorney for a party shall first file his formal written Appearance in accordance with Trial Rule 3.1 and Criminal Rule 2.1.
- 2. Any pleading not signed by at least one attorney appearing of record as required by T.R. 11 of Indiana Rules of Procedure shall not be accepted for filing, or, if inadvertently accepted for filing, shall, upon discovery of the omission, be struck from the record.
- 3. Neither typewritten signatures nor facsimile signatures shall be accepted on original documents. Facsimile signatures are permitted on copies.
- 4. The Rule shall not apply to small claims where attorneys are not employed; however, parties shall be required to comply with the Small Claims Statute and Rules of Procedure and Instructions provided by the Clerk of the Court.
- 5. All pleadings shall be submitted on 8½ x 11 paper and shall be double-spaced (except pre-printed forms).
- 6. All documents or orders requiring a Judge's signature must be submitted with an original and one copy for the Court, plus one copy for each attorney or prose party, for distribution.

B. Withdrawal of Appearance

- 1. Counsel desiring to withdraw Appearance in any cause other than criminal shall file a petition requesting leave to do so. A proposed order complying with section (A) (6) of this Rule shall be submitted along with said petition. All withdrawals of Appearance shall comply fully with the provisions of Rule 1.16 of the Rules of Professional Conduct.
- 2. No withdrawal of Appearance shall be granted where the withdrawal would deprive the Court of its jurisdiction over the party.
- 3. A withdrawal of Appearance when accompanied by the Appearance of other counsel shall constitute compliance with the requirements of Paragraph (A) (1) of this rule.

LR06-TR53.5-BLR-4 CONTINUANCES/ENLARGEMENTS OF TIME

- A. A motion for continuance or a motion for enlargement of time, unless made during the hearing of cause, shall be for cause, in writing, with a copy thereof first served upon opposing counsel. A motion for continuance or enlargement of time, except for an initial motion for thirty (30) additional days to answer or otherwise respond to a civil complaint, must recite that the movant has communicated the intent to file the motion to the opposing side. If the opposing side objects the movant must recite that in the motion. If a movant is unable to determine whether the opposing side objects, that shall be recited and the Court staff may contact the opposing side for the limited purpose of ascertaining any objection.
- B. A motion for continuance must be filed as soon after the cause for continuance is discovered by the moving party.
- C. Continuances of small claims will be granted only at the discretion of the Court and, in no event, less than 3 days prior to trial, unless all parties and the Court concur to the continuance or unless shown by affidavit filed with the Court at least 1 day prior to trial that it is physically impossible to attend trial due to illness or injury. A physician's statement must accompany the affidavit.
- D. All delays and continuances shall be at the cost of the party causing same, except where it is otherwise provided by law.
- E. All motions for continuance must be accompanied by an order, providing appropriate blanks for the Court to reset and comply with Local Rules.

LR06-TR07-BLR-5 MOTIONS

- A. The time of hearing motions shall be fixed by the Court. Dates of hearing shall not be specified in any submitted Order setting said motion for hearing unless prior authorization shall be obtained from the Judge or Court Reporter. Any party may request oral argument upon a motion, but granting of oral argument is discretionary with the Court.
- B. Dispositive motions, such as motions to dismiss, for judgment on the pleadings, and for summary judgment shall be accompanied by a brief or memorandum and shall include proof of service upon opposing counsel of record. Failure to file opposing briefs or memorandum within time limits established by T.R. 56 or by the Court shall subject a dispositive motion to summary ruling by the Court unless, upon motion of a party or the Court, the matter is set for hearing.
- C. Extensions of time for filing briefs or memorandum shall be granted only by order of the Court. All requests for extensions of time for filing briefs or memoranda, whether written or oral, shall be accompanied by a proposed order.
- D. Motions for more definite statement and to strike shall be accompanied by brief or memorandum. The Court, in its discretion, may direct the filing of an answer, brief or memorandum. Such motions shall be decided by the Court without oral argument unless the court otherwise directs.
- E. The Court expects the parties to facilitate discovery in good faith within the time limits established by T.R.26 through T.R. 37, without the necessity of filing a Motion to Compel. A party failing, without good cause, to respond to discovery in a timely manner shall be subject, upon motion, to an order compelling discovery and appropriate sanctions.

LR06-TR26-BLR-6 DISCOVERY

A. Interrogatories and Requests for Admission: Form and Limitation of Number

- Answers or objections to interrogatories or requests for admissions under Rule 33
 and Rule 36 of the Indiana Rules of Civil Procedure shall set forth in full the
 interrogatory or request for admission being answered or objected to immediately
 preceding the answer or objection. Objections shall be accompanied by citation
 of legal authority, if any.
- 2. No party shall serve on any other party more than 30 interrogatories or requests for admission other than requests relating to the authenticity or genuineness of documents in the aggregate, including subparagraphs, without leave of Court. Subparagraphs shall relate directly to the subject matter of the interrogatory or request for admission. Any party desiring to serve additional interrogatories or requests for admissions shall file a written motion setting forth the proposed additional interrogatories or requests for admissions and the reasons establishing good cause for their use.
- 3. No interrogatories, requests for admissions, or production in small claims matters shall be permitted unless by authorization from the Court upon petition requesting same and the reasons therefore filed not later than 10 days after service of the complaint on the Defendant.

B. Depositions

Depositions shall be governed by T.R. 30, and videotape or other mechanically reproduced tapes as allowed by T.R. 74, shall be admissible to the same degree as any other depositions. All videotapes shall be paid for by the moving party and shall not be taxed as costs.

LR06-TR16-BLR-7 PRE-TRIAL CONFERENCES

- A. In all cases, a pre-trial conference will be held upon motion of the parties, or upon direction of the Court.
- B. It shall be the duty of counsel for the Plaintiff to arrange for a conference of attorneys in advance of the pre-trial conference with the Court. In the absence of an agreement to the contrary, the conference shall be held in the Court in which the action is pending.
- C. At the conclusion of the attorneys' conference, counsel for the parties may cause a written memorandum or suggested pre-trial order to be submitted to the Court at the pre-trial conference. The written memorandum or suggested pre-trial order shall be prepared in such a manner to allow the court to adopt same as the pre-trial order controlling the trial of the case.
- D. All matters to be assigned for pre-trial conference shall be assigned a date and time not less than thirty (30) days prior to the date for trial, unless otherwise directed by the Court. Notice of pre-trial assignments shall be given promptly by the Court, either by individual notice or by providing copies of the docket entry or as the Court may direct.
- E. In all proceedings before the Court, the attorney appearing must have the actual authority to act on behalf of his client. Any attorney may appear in place of another attorney of the same firm or office, but in all instances the substitute attorney must be fully informed of issues in the case and must be empowered to act.

LR06-TR38-BLR-8 JURY TRIALS

- A. Regularly scheduled jury trials shall begin on Monday mornings at 9:00 a.m. in the Circuit Court, unless otherwise scheduled by the Court. Regularly scheduled jury trials in Superior Court I shall begin Monday mornings at 9:00 a.m., unless otherwise scheduled by the Court. Regularly scheduled jury trials in Superior II shall begin on Tuesday mornings at 9:00 a.m., unless otherwise scheduled by the Court. Counsel and parties will be expected to be present at Court at least ½ hour prior to trial.
- <u>B.</u> Three (3) working days before the scheduled trial date (Wednesday for the following Monday settings) all choice settings except first and second choices shall be released from trial readiness at 3:00 p.m. As of two (2) calendar days before the scheduled trial date (Friday for the following Monday settings) and if 2nd choice setting is still 2nd choice, it shall be released from trial readiness at 3:00 p.m.
- C. The Courts of Boone County utilize a system of calling prospective jurors by issuance of a form letter at least seven (7) calendar days before a scheduled jury trial, using a two-tier notice for summoning jurors. The jury qualification form and notice will be the first tier and summoning the prospective juror at least one week before service will be the second tier. Prospective jurors are to telephone the Court after 5:00 p.m. the day before the scheduled trial date to ascertain if the trial remains on the Court calendar or has been either continued or resolved. This allows the courts to accept cancellation of trials by agreement of counsel due to settlement, up to 2:00 p.m. the day before the scheduled trial. If the matter is settled after this time, such as the evening before or the morning of the trial, prior to the jury being sworn in for voir dire, then the expense of having jurors appear will be assessed as costs of the case, payable along with filing fees and other costs. Circumstances of a particular trial or the Court's schedule may dictate a modification of this procedure.

LR06-JR01-BLR-9 JURY TRIAL PROCEDURES

A. Objections/Multiple Counsel

During trial where a party is represented by more than one attorney, only one of such attorneys may be designated to make objections, examine or cross-examine as to any particular witness. This designation may be changed as each witness appears to testify and at each stage of the trial.

B. Multiple Parties

Where there are multiple parties, such parties' participation at trial will be in order named in the pleadings, unless such parties agree otherwise and confirm same with the Court prior to trial.

C. Custody and Disposition of Models and Exhibits

After being marked for identification, models, diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in custody of the Court Reporter unless otherwise ordered by the Court.

LR06-CR02.1-BLR-10 CRIMINAL MATTERS

- A. Immediately upon being retained in a criminal matter, counsel shall file a written Appearance in the cause with the Court and serve a copy thereof upon the Prosecuting Attorney.
- **B.** Counsel desiring to withdraw Appearance in any criminal matter shall file a Petition requesting leave to do so.
- C. For the purpose of criminal and juvenile matters, law enforcement may use a digital signature on a probable cause affidavit submitted to the Court provided the following is included: a signature block consisting of the law enforcement officer's electronic signature (/s/ typewritten name where the officer's handwritten signature would otherwise appear), the rank and name of the law enforcement agency the officer is affiliated with, the officer's identification/badge number, the date, and an affirmation adopting the digital signature as a handwritten signature.

LR06-CR00-BLR-11 CRIMINAL CONTINUANCES

Motions for Continuance in criminal cases shall be governed by LR06-TR53.5-BLR-4 herein.

LR06-TR26-BLR-12 AUTOMATIC CRIMINAL DISCOVERY RULE

A. General Provisions

- 1. Upon the entry of an appearance by an attorney for a defendant or a defendant's pro se written appearance, the State shall disclose and furnish all relevant items and information under this Rule to the defendant within thirty (30) days from the date of the appearance, subject to Constitutional limitations and such other limitation as the court may specifically provide by separate order, and the defense shall disclose and furnish all relevant items and information under this rule to the State within thirty (30) days after the State's disclosure.
- 2. No written motion is required, except:
 - a) To compel compliance under this Rule;
 - b) For additional discovery not covered under this Rule;

- c) For a protective order seeking exemption from the provisions of this Rule; or
- d) For an extension of time to comply with this Rule.
- 3. Although each side has a right to full discovery under the terms of this Rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this Rule.
- 4. All discovery shall be completed on or before the omnibus date unless otherwise extended for good cause shown.
- 5. The party seeking disclosure or a protective order under this Rule shall include in the party's motion or request a statement showing that the attorney making the motion or request has made a reasonable effort to reach agreement with opposing counsel concerning the matter set forth in the motion or request. In addition, this statement shall recite the date, time and place of this effort to reach agreement, whether the effort was made in person or by telephone and the names of all parties and attorneys participating therein. The court may deny a discovery motion filed by a party who has failed to comply with the requirements of this subsection.

B. State Disclosures

- 1. The State shall disclose the following materials and information within its possession or control:
 - The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and/or recorded statements. However, the State may refrain from providing a witness' address under this Rule if the State in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness and the witness' immediate family. If the State does not disclose the witness' address for the reason stated under this Rule, then the State shall make the witness available for deposition or interview by defense counsel upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate;
 - b) Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements;

- c) If applicable, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of persons whom the State intends to call as a witness at hearing or at trial. If such transcripts do not exist, the defendant may apply to the court for an order requiring their preparation;
- d) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;
- e) Any books, papers, documents, photographs, or tangible objects that the State intends to use in the hearing or trial or which were obtained from or belong to the accused; and
- f) Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial.
- 2. The State shall disclose to the defense any material or information within its possession or control that tends to negate the guilt of the accused as to the offense(s) charged or would tend to reduce the punishment for such offense(s).
- 3. The State may perform these disclosure obligations in any manner mutually agreeable to the State and the defense. Compliance may include a notification to the defense that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

C. Defendant Disclosures

- 1. Defendant's counsel (or defendant where the defendant is proceeding pro se) shall furnish the State with the following material and information within his or her possession or control:
 - a. The names and last known addresses of persons whom the defense intends to call as witnesses along with copies of their relevant written and/or recorded statements. However, the defense may refrain from providing a witness' address under this Rule if the defense in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness and the witness' immediate family. If the defense does not disclose the witness' address for the reason stated under this Rule, then the defense shall make the witness available for deposition or interview by the State upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. If an attorney

for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate.

- b. Any books, papers, documents, photographs, or tangible objects the defense intends to use as evidence at any trial or hearing;
- c. Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;
- d. Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and
- e. Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.
- 2. After the formal charge has been filed, upon written motion by the State, the court may require the accused, among other things, to:
 - a. Appear in a line-up;
 - b. Speak for identification by witnesses to an offense;
 - c. Be fingerprinted;
 - d. Pose for photographs not involving re-enactment of a scene;
 - e. Try on articles of clothing;
 - f. Allow the taking of specimens of material from under his/her fingernails;
 - g. Allow the taking of samples of his/her blood, hair and other materials of his/her body that involve no unreasonable intrusion;
 - h. Provide a sample of his/her handwriting; and
 - i. Submit to a reasonable physical or mental examination.

Whenever the personal appearance of the accused is required for the foregoing purposes, reasonable notice of the time and place of such appearance shall be given by the State to the accused and his/her counsel, who shall have the right to be present. Provision may be made for appearances for such purposes in an order admitting the accused to bail or providing for his/her release.

D. Additions, Limitations and Protective Orders

- 1. Discretionary Disclosures: Upon written request and a showing of materiality, the court, in its discretion, may require additional disclosure not otherwise covered by this Rule.
- 2. Denial of Disclosure: The court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or

embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure.

- 3. Matters not subject to Disclosure:
 - a) Work Product: Disclosure hereunder shall not be required of legal research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staff, or of defense counsel or his/her staff;
 - b) Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused. However, disclosure shall not be denied hereunder of the identity of witnesses to be produced at trial or hearing; and
 - c) Any matters protected by law.
- 4. Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

E. Duty of Supplemental Responses

The State and the defense are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

F. Sanctions Upon Failure to Comply

Failure of a party to comply with either the disclosure requirements or the time limits required by this Rule may result in the imposition of sanctions against the noncompliant party. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing.

LR06-CR00-BLR-13 NON-DISCRETIONARY FILING OF CRIMINAL CASES

Effective January 1, 2014, (or as soon thereafter as the Indiana Supreme Court may approve if later) all criminal cases, when filed, shall be assigned by the Clerk to the Circuit, Superior I or Superior II Courts of the Judicial Circuit as follows:

Misdemeanors (cases in which only misdemeanors are charged)

- A. Cases in which the only misdemeanor charged is Operator Never Licensed, I.C. 9-24-18-1 shall be assigned to Circuit Court.
- B. Cases in which the only misdemeanor charged is Driving While Suspended, I.C. 9-24-19-2 or 9-24-19-3, shall be assigned to Circuit Court.
- C. All other I.C. 9 *et. seq.* (Title IX traffic) misdemeanor cases shall be assigned to Superior Court II.
- D. All cases charging misdemeanors under I.C. 35-48-4, 35-42-2-1, 35-43-5 and Title VII crimes, alone or in conjunction with other misdemeanor offenses, shall be assigned to Superior Court II.
- E. All other misdemeanor cases, not covered by A-D, shall be assigned to Circuit Court.

Felonies:

- F. All cases in which one for more felony counts are charged under I.C. 35-36-1-3, 35-36-1-4 or 35-36-1-5 (incest, neglect of a dependent and criminal nonsupport of a child) shall be assigned to Circuit Court.
- G. All cases in which the only felony count charged is Driving While Suspended under I.C. 9-24-2-4 shall be assigned to Superior Court I,
- H. All felony cases, not covered by paragraph F or G, in which the only felony charged is a charge under I.C. 9 *et. seq.* (a Title IX Traffic offense) shall be assigned to Superior Court II.
- I. All felony and misdemeanor operating while intoxicated cases shall be assigned to Superior Court II, no matter what other felony charges may be filed therewith.
- J. All felony cases not assigned, pursuant to paragraphs F through I, shall be assigned 50% to Superior Court I, 30% to Circuit Court and 20% to Superior Court II by random draw as provided in paragraph L below.

- K. If a case charges both a non-traffic code felony and a misdemeanor, other than an alcohol related misdemeanor, the case shall be considered a felony and assigned pursuant to paragraph J above.
- L. The rotation of cases under Paragraph J shall be accomplished by using a set of one hundred balls. The set of balls shall contain 50 balls marked Superior Court I, 30 balls marked Circuit Court, and 20 balls marked Superior Court II. The balls (those selected and those yet to be selected) shall be securely maintained by the Clerk of the Court. Each time a felony case is assigned, pursuant to paragraph J, the Clerk shall draw a ball and assign the case the Court designated on that ball. The ball drawn shall be held by the Clerk with the other balls that have been drawn until all one hundred balls have been drawn. At that point, all one hundred balls shall be returned to the receptacle from which they are drawn and the process shall begin anew. The Clerk shall maintain a log of the balls drawn and the case assignments made. A "selection sheet" shall be placed in each file assigned, pursuant to paragraph J, noting the person who made the draw and the Court to which the case was assigned.
- M. If, after assignment, a case is dismissed and later re-filed, it shall be assigned to the Court of original assignment. The purpose of this rule is to comply with Indiana Criminal Rule 2.2., so as to provide a procedure for non-discretionary assignment of criminal cases.
- N. In cases assigned, pursuant to paragraph J above, where a charge or charges are filed against one or more that one defendant and such charge or charges arise out of the same factual allegations or same criminal episode, such cases shall be assigned, upon the request of the prosecutor, to the same Court in which the first such case was assigned, pursuant to paragraph J. In such event, the subsequent case or cases shall be assigned to the same court as the first one and another ball shall be removed from the draw for the court to which the subsequent case was assigned.
- O. Notwithstanding Item J above, whenever the Defendant is charged in a cause wherein the basis for the charge or charges has resulted/ or results in the filing of a CHINS proceeding in Circuit Court, then such cause shall be transferred to the Circuit Court, upon request by the Prosecutor, the Department of Child Services, or the Court, on its own motion.
- P. Notwithstanding any of the foregoing, the Judges of Boone County may agree to transfer any criminal case between or among themselves upon good cause shown by the prosecutor or counsel for the Defendant, or upon their own motion, when in the interests of judicial economy or the interests of justice so require.

- Q. In order to comply with Criminal Rule 13 (c), a list of alternative judges shall be maintained in the offices of the Circuit, Superior I and Superior II Courts. On this list shall be contained the names of the regular sitting Judges in the counties contiguous to Boone County. Whenever the appointment of an alternative sitting Judge is ordered by any of the regular sitting judges of the court where the Judge sits, the Judge shall assign the case to one of the Judges on this list on a rotating basis.
- R. This rule shall not, under any circumstances, limit or otherwise alter the option of the regular sitting Judge to request the Indiana Supreme Court appoint a Special Judge in accordance with the Criminal Rule 13(d).

(Amended effective February 6, 2014)

LR06-TR52-BLR-14 SPECIAL FINDINGS OF FACT

In all cases where special finding of facts by the Court is required, counsel of record shall submit to the Court proposed special findings embracing all the facts which they claim to have been proved and the conclusions of law thereon. Such special findings shall be submitted to the Court, pursuant to Trial Rule 52 (c), and shall be submitted within such time as directed by the Court.

LR06-CR00-BLR-15 CRIMINAL BAIL

A. In all criminal cases coming within the jurisdiction of the Court and preliminary felony charges filed in the Court, the bail is now fixed as of the first day of each yearly term and each succeeding term hereafter as follows, and these amounts will be the only amounts set for bail for charges to be filed in the Circuit, Superior I and Superior II Courts of Boone County, unless otherwise ordered by the Courts:

OFFENSE/CLASS	SURETY BOND	CASH BOND
MURDER	NONE	NONE
METHAMPHETAMINE	\$50,000.00	\$50,000.00
(All Meth Related Charges)		
HEROIN	\$50,000.00	\$50,000.00
(All Heroin Related Charges)		
LEVEL 1 AND 2 FELONY	\$50,000.00	\$50,000.00
LEVEL 3 AND 4 FELONY	\$25,000.00	\$25,000.00
LEVEL 5 FELONY	\$10,000.00	\$10,000.00
INDIANA RESIDENTS:		
LEVEL 6 FELONY	\$5,000.00	\$550.00
CLASS A MISDEMEANOR	\$5,000.00	\$550.00
CLASS B MISDEMEANOR	\$4,000.00	\$450.00
CLASS C MISDEMEANOR	\$2,500.00	\$300.00
OUT OF STATE RESIDENTS ON LEV	EL 5 FELONY AND LOWER	OFFENSES:
LEVEL 5 AND 6 FELONY	\$15,000.00	\$15,000.00
CLASS A MISDEMEANOR	\$5,000.00	\$2,500.00
CLASS B MISDEMEANOR	\$3,000.00	\$1,000.00
CLASS C MISDEMEANOR	\$2,000.00	\$1,000.00

B. NO BOND: Any person arrested on a charge of Resisting Law Enforcement, Intimidation, Invasion of Privacy, Class A Misdemeanor or higher Battery (including Sexual Battery and Domestic Battery), Strangulation, or Stalking shall be detained in custody without bond until initial hearing. Also, as further set forth herein, there is no bond for Child Molesting or Child Solicitation. At initial hearing, bond shall be set pursuant to the bond schedule above absent a request from the Prosecuting Attorney for an alternative bond.

C. NO BOND FOR CERTAIN SEX OFFENDERS WITHOUT A HEARING

Pursuant to I.C. 35-33-8-3.5 any person arrested on any charge

- 1. (a) who is already an I.C. 35-38-1-7.5 sexually violent predator and
 - (b) who is arrested for or charged with one or more of the following:
 - i. Rape
 - ii. Criminal deviate conduct
 - iii. (omitted intentionally)
 - iv. Child exploitation
 - v. Vicarious sexual gratification
 - vi. (omitted intentionally)
 - vii. Child seduction
 - viii. Sexual misconduct with a minor as a class A, B or C felony
 - ix. Incest
 - x. (omitted intentionally)
 - xi. Kidnapping where the alleged victim is less than 18 years of age
 - xii. Criminal confinement where the alleged victim is less than 18 years of age
 - xiii. Possession of child pornography
 - xiv. Promoting prostitution as a class B felony
 - xv. Promoting human trafficking where the alleged victim is less than 18 years of age
 - xvi. Sexual trafficking of a minor
 - xvii. Human trafficking if the victim is less than 18 years of age.
 - xviii. (omitted intentionally)
 - xix. Voluntary manslaughter;

xx. An attempt or conspiracy to commit any of the charges listed above in a-t and also (1) attempted child molesting, (2) conspiracy to commit child molesting, (3) attempted child solicitation, (4) conspiracy to commit child solicitation, (5) attempted sexual battery, (6) conspiracy to commit sexual battery, (7) attempted murder, or (8) conspiracy to commit murder;

or

2. who is charged with child molesting;

or

3. who is charged with child solicitation

shall be detained in custody without bond until initial hearing.

- **D. MULTIPLE CHARGES WITHIN A CAUSE NUMBER:** If a person has multiple charges, bond shall be posted on the most serious charge only. If the listed bond amount is inappropriate under the circumstances, the Prosecuting Attorney shall bring such circumstances to the attention of the court by written or oral motion.
- **E.** BOND NOT AVAILABLE FOR PERSON ON PROBATION PAROLE OR PREVIOUS BOND: This bond schedule shall not be used for any person arrested for a crime when it can be reasonably determined that the person was on probation, parole, bond or release on the person's own recognizance for another offense. In such case, the person shall be detained in custody until the Court establishes the bond.
- **F. BOND AMOUNT ON WARRANT ARREST:** Upon issuance of a criminal bench warrant, the amount of bail specified shall be endorsed upon the warrant. The Court may increase or diminish the amount specified or permit the posting of cash bond in lieu of accepting any property or surety bond in any justifiable cause.
- **G. CLERK'S FEE:** The Clerk may assess a ten percent (10%) administrative fee per statute on all cash bonds.
- **H. APPLICABLE TO SUPERIOR II ONLY:** The schedule of fines and penalties established by Superior II for infraction matters as adopted in September 1, 1981, and as amended April 10, 1984, and as may be subsequently amended by Superior II are now incorporated herein and made a part of this Order.
- **I. CASH BONDS:** All cash bonds shall be posted with the Boone County Clerk or the Boone County Sheriff. Cash bonds may be used to pay fines, court costs, and other financial obligations of the defendant in any Boone County Cause. In addition, the bond may be used to reimburse the county for the cost of court appointed counsel and for an administrative fee as authorized by I.C. 35-33-8-3.2 (a)(2)(B).

- **J. BOND REDUCTIONS:** Pre-trial Motions for bond reductions shall be presented to the Court in writing and proper notice of the hearing scheduled thereon shall be given to the Prosecuting Attorney. Notwithstanding any pre-trial motion for bond reduction, at the Initial Hearing a Defendant's bond may be reduced at the discretion of the Judge, with or without the presence of the State of Indiana.
- **K. DOMESTIC VIOLENCE ARREST**. Any person arrested and held in custody for a crime of domestic violence (as described in *IC 35-41-1-6.3*) shall be kept in custody and not released for at least eight (8) hours from the time of the arrest. Such a person, regardless of when an initial hearing may be held and bond set, may not be released on bail until at least eight (8) hours from the time of the person's arrest. This rule is promulgated to comply with I.C. 35-33-1-6 and is in conformance therewith.

L. DETENTION OF PERSON ARRESTED FOR ALCOHOL RELATED

OFFENSE. When a person is arrested and held in custody for an alcohol related offense, that person may be detained pending release notwithstanding the posting of bond by the jail pursuant to the following schedule.

[Incorporated herein by reference as if fully set forth herein the table entitled Hours After Initial Reading is taken from I.C. 35-33-1-6.]

Note: In order to find when a person will reach the legal blood or breath alcohol level, find the blood or breath alcohol level reading in the left hand column, go across and find where the blood or breath alcohol level reading is an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to below eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath, then read up that column to find the minimum number of hours before the person can be released.

M. SUPERSEDES: This Bail Bond Schedule supersedes all previous Bail Bond Schedules ordered by the Circuit and Superior Courts of this County.

(Amended effective July 1, 2014)

LR06-CR00-BLR-16 SCHEDULE OF FEES FOR SUPERIOR COURT II ALCOHOL AND DRUG PROGRAM

Assessment	\$50.00
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Basic Education \$250.00*

Advanced Education \$300.00*

Case Transfer \$50.00

Intensive Correctional Treatment \$400.00

Case Management Fee \$100.00**

**Case Management Fee may be assessed in the following circumstances:

- 1. Participant voluntarily enrolled in treatment program prior to sentencing;
- 2. Participant violated probation and/or had probation extended: or
- 3. Participant transferred probation to Boone County but will not utilize other services of program.

LR06-FL00-BLR-17 CHILD SUPPORT WORKSHEETS AND CHILDREN COPING WITH DIVORCE WORKSHOP

- (1) Parties shall complete an Indiana Child Support Guideline Worksheet on forms adopted by the court and in all contested matters involving child support or disposition of assets. Parties must date and file these forms prior to any hearing or trial. Child Support Worksheets shall be exchanged and filed with the court on the hearing date. Child Support Worksheets must be attached to all proposed orders and decrees addressing child support.
- (2) If there are any assets or obligations not disposed of by written agreement between the parties, the litigants must prove the value of the assets and the amount of obligations at the hearing.

^{*}Typically includes assessment

(3) In the best interest of all minor children in a divorce action, Petitioner and Respondent shall be required to attend a divorce workshop addressing post-separation parenting and encouraging the ability of parents to enter into agreements concerning child-related matters. To this end, Parties are required to attend the workshop offered through Boone County Mental Health Association entitled "Helping Children Through the Divorce". Parties are responsible for the payment of the cost of the program, with an allowance for waiver of the fee for indigence. Attendance is mandatory for all parties in a Dissolution of Marriage action if there are unemancipated children under the age of eighteen (18). This course must be completed prior to the Final Hearing. Failure to complete the workshop could result in a party having to show cause why s/he should not be held in Contempt of Court.

LR06-FL00-BLR-17.1 LIMITED NON-DISCRETIONARY FILING OF DISSOLUTION (DR) MATTERS

- (1) Effective January 1, 2014 (or as soon thereafter as the Indiana Supreme Court may approve this rule if later) the Boone County Clerk SHALL assign newly filed marriage dissolution (DR) matters for which the Petitioner is unrepresented to the Boone County Courts in the following proportion:
 - A. 60% to Circuit Court;
 - B. 30% to Superior Court I; and
 - C. 10% to Superior Court II
- (2) DR filings for which the Petitioner is represented by an attorney may be filed in any Court in Boone County the Petitioner chooses.
- (3) In all matters where a Petitioner seeks a waiver or partial waiver of filing fees, the request for the same shall be first brought to the attention of the Circuit Court. If the Circuit Court or the Circuit Court Magistrate are unavailable for any reason, be it other business, temporary absence or any reason, the Clerk shall bring the request to either Superior Court I or II for a determination whether to waive any part of a filing fee. After the decision upon the waiver is made, the Clerk will assign the self-represented petitioner dissolution matter to the Court per paragraph 1.
- (4) The Clerk of the Court, with the advice and consent of the Judges, may choose a manner in which to implement the random filing of self-represented DR matters.
- (5) If a self-represented DR matter is dismissed and re-filed, it shall be assigned to the Court it was originally filed in.

(Approved effective February 6, 2014)

25

LR06-FL00-BLR-18 PARENTING TIME GUIDELINES

The Indiana Parenting Time Guidelines are hereby adopted by Boone County, together with any and all modifications and/or amendments thereto, effective as of the date said Guidelines determined effective by the Indiana Supreme Court.

LR06-SC00-BLR-19 SMALL CLAIMS (Applicable to Superior II Only)

Documents Filed With the Court.

- 1. Written Answers to small claims complaints are not necessary but may be filed by parties or counsel at least ten (10) days prior to trial. In no event will the Court continue a trial setting to permit the filing of an Answer.
- 2. Counter-claims may be filed not later than ten (10) days prior to trial. Parties are responsible for mailing copies of the counter-claim to the opposing party or counsel at least ten (10) days prior to trial and show proof of mailing by a certificate of service attached to the pleading filed with the Court. Failure to comply with these requirements may result in the Court refusing to hear such counter-claim.

<u>Evidence</u>. Parties are expected to bring with them at the time of trial all exhibits and other physical and documentary evidence they intend to introduce at trial. Failure to do so may result in the Court refusing to consider such evidence.

LR06-PR00-BLR-20 PROBATE AND GUARDIANSHIP RULES (Applicable to Superior I Only)

A. Probate

1. Where required by law, all Wills must be admitted to Probate.

2. Bond Procedures.

- a. If the decedent's Will provides for no bond, the Court may honor the request.
- b. If all heirs request no bond or a minimal bond, the Court may honor the request.
- c. In all instances, upon petition by an interested person, the Court may require bond to protect creditors, heirs, legatees or devisees.
- d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities.
- e. Personal surety must meet the requirements of Indiana Code 29-1-11-5.
- f. No attorney will be accepted as surety in any bond required to be filed with the Court.
- 3. In all Guardianships and Supervised Estates, an inventory must be filed with the Court within two (2) months after the appointment of the personal representative or guardian.
- 4. In all Guardianships and Supervised Estates in which real estate is to be sold, a written professional appraisal setting forth the fair market value thereof must be filed with the Court at the time of filing the petition for sale; unless such an appraisal was filed with the Inventory.
- 5. Three (3) months and fifteen (15) days after the date of the first published notice to creditors, the personal representative, or his/her attorney, shall examine the Claim Docket and shall allow or disallow each claim filed against the estate.
- 6. Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after expiration of one (1) year and each succeeding year thereafter. Such accounting shall comply with the provisions of Indiana Code 29-1-16-4 and 29-1-16-6. Such accounting shall state the facts showing why the estate cannot be closed. Such accounting shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants. Failure to comply with this rule may be grounds for removal of the personal representative.

- 7. Inheritance Tax Schedules must be filed in duplicate and where necessary, copies of the Will of the decedent must be attached.
- 8. In supervised administration, the countersigned receipt, or photocopy thereof, showing payment of the Indiana Inheritance Tax liability in the estate, executed and sealed by the Indiana Department of the State Revenue should be attached to the Final Report at the time of filing, although not required.
- 9. In all probate matters, the Personal Representative shall sign instructions in the following form: See Attached Boone Local Probate Form A.

LR06-PR00-BLR-20A BOONE LOCAL PROBATE FORM A

STATE OF INDIANA)		IN THE BOONE SUPERIOR COURT I	
COUNTY OF BOONE) SS:)	CAUSE NO. 06D01	
IN RE UN/SUPERVISED)	
ESTATE OF:)	

INSTRUCTIONS TO PERSONAL REPRESENTATIVE

You have been appointed PERSONAL REPRESENTATIVE of the Estate of a deceased person. It is important that you understand the significance of the appointment and your responsibilities.

Listed below are <u>some</u> of your duties but not necessarily all of them. These duties are not listed in any order of priority. Ask the attorney for the Estate to fully explain to you each of the items below and to tell you about any other duties you have in your particular circumstances. Although the attorney will probably file all papers with the Court, the ultimate responsibility to see that reports and returns are accurately prepared and filed rests with you. As PERSONAL REPRESENTATIVE, you are required to:

- 1. Locate all property owned individually or otherwise by the decedent at the date of death; and ascertain the value of such assets as of date of death. Secure all property in safekeeping and maintain adequate insurance coverage; keep records of the assets. If applicable, obtain an appraisal of the property.
- 2. Inventory any safety deposit box.
- 3. Keep a separate checking account or other type of transaction account for the Estate and keep a record of all receipts and disbursements. Never commingle Estate funds with any other funds or use them for other than Estate purposes. Accounts and securities which are registered to the Estate should be in your name "as Personal Representative for the Estate of (name of Decedent)." Retain all paid bills and canceled checks or other evidence of disbursement or distribution of any funds or assets of the Estate for the Final Report to the Court.

- 4. Within two (2) months after you qualify and receive Letters of Personal Representative, you must prepare an Inventory of all property found belonging to the decedent on the date of death and giving values as of the date of death. If administration is supervised it must be filed. If unsupervised, the inventory must be available to heirs and beneficiaries.
- 5. You may need to obtain Consent to Transfer forms from the County Assessor for accounts and securities in order to transfer such assets.
- 6. Collect any proceeds of life insurance on the life of the decedent which is payable to the Estate. Obtain Form 712 from the insurance company, if needed for taxes.
- Have mail forwarded; complete change of address forms at the Post Office.
- 8. Inspect all documents and personal papers of the decedent and retain anything pertinent to tax reporting, location and value of assets, debts or obligations of or to the decedent, or any other items of significance to administering the final affairs of decedent.
- 9. Pay all legal debts and funeral bills; however, pay only priority claims timely filed if there is any question of solvency of the Estate. Do not pay bills which are doubtful but refer them for Court determination. Do not make any distribution to any heir or beneficiary until at least three (3) months after the date of first publication of notice, unless an earlier distribution is allowed by Order of the Court.
- 10. Prepare and file returns and pay taxes due (or claim any refund) for both State and Federal income taxes for the tax year in which the decedent dies and any prior years, if applicable.
- 11. Prepare and file the prescribed Schedule for Indiana Inheritance Tax within nine (9) months after date of death. Any tax due must be paid within one (1) year after date of death. Do the same for the Federal Estate Tax, if required, within nine (9) months after date of death.
- 12. Unless subject to an exception, obtain a federal tax identification number for the Estate. Choose a tax year for the Estate; file Estate income tax returns and pay any tax due for both State and Federal income tax.
- 13. Make distribution and obtain receipts for distribution.

- 14. File a Final Account, if supervised administration, or a Closing Statement if unsupervised administration, with receipts for distribution if already made; send a copy thereof to all distributes of the Estate and to all creditors or other claimants whose claims are neither paid nor barred; furnish a full account in writing of the administration to the distributes. File an Affidavit in lieu of vouchers with the Court.
- 15. File a Supplemental Report with the Court, if ordered to do so, with receipts for the final distribution.
- 16. Pay court costs and expenses of administration when due.
- 17. Make payments and distributions to the right persons. The personal representative is responsible for incorrect payments or distribution.

I acknowledg		ove instructions and will read and follow
Dated this D	eay of, 20	
Cause No.: 06D01-		-
Estate of:		
Printed:		_
By:		
	Personal Representative	Personal Representative

B. Guardianships

- 1. In all guardianship matters pertaining to declaring an adult incompetent for any reason, at a minimum, an affidavit by the doctor treating the alleged incompetent must be presented at the time the petition is filed, or on the hearing date. No determination will be made without supporting medical testimony.
- 2. In all instances in guardianships, a bond shall be required to the full extent to secure the value of the personal property assets in the guardianship, pursuant to Indiana Code 29-1-19-9.
- 3. In all guardianship matters, whether pertaining to the appointment of a guardian of a minor child, personal service of process must be demonstrated by the record, pursuant to the rules. No waiver of service signed by the proposed adult incompetent or the representative of the minor child shall be recognized or accepted by the Court.
- 4. Current reports filed by the guardian of the person must show the present whereabouts of the ward and his/her personal welfare.
- 5. All Social Security benefits received on behalf of a ward must be included and accounted for in the guardian's accounting.
- 6. All guardians shall execute and file instructions in the following form: See Attached Boone Local Probate Form B.

LR06-PR00-BLR-20B

BOONE LOCAL PROBATE FORM B

STATE OF INDIANA)) SS:	IN THE BOONE SUPERIOR COURT I
COUNTY OF BOONE) ss.)	CAUSE NO. 06D01
IN RE THE GUARDIANSHII	POF)
THE ESTATE OF THE PERSON /)
PERSON AND ESTATE OF)
)

INSTRUCTIONS TO GUARDIAN

You have been appointed the Guardian of an individual, "Protected Person," who, because of some incapacity, is unable to care for his/her own estate and/or personal affairs. It is important that you understand the significance of this appointment and your responsibility as Guardian.

In order to qualify and have your Letters issued to you, you may be required to post a bond in the amount set by the Court and to take an oath to faithfully discharge your duties as Guardian. The bond assures the Court that you will properly protect the assets of the Protected Person.

Listed below are some of your duties, but not necessarily all of them. You are directed to ask the Attorney for the Guardianship to fully explain to you each of the items below and to tell you about the other duties you have in your particular circumstances. Though the attorney will file all papers with the Court, the ultimate responsibility to see that all reports, etc., are accurately and timely prepared and filed, rests with you.

As GUARDIAN of the estate of the Protected Person, you are required to:

- 1. File with the Court, within ninety (90) days after your appointment, a verified Inventory and Appraisement of all of the property belonging to the Protected Person, unless waived by the Court;
- 2. File with the Court a verified account of all the income and expenditures of the Guardianship every two (2) years after your appointment, unless waived by the Court;
- 3. Pay bond premiums as they become due;
- 4. File a final accounting with the Court upon the termination of the Guardianship, whether due to the death of the Protected Person or for any other reason, unless waived by the Court;

- 5. Keep all of the assets of the Protected Person separate from your own;
- 6. Open an account, in your name as Guardian, in which all of the cash assets of the Protected Person are deposited. This account <u>must</u> be used for all payments or disbursements on behalf of the Guardianship and the Protected Person;
- 7. Obtain approval from the Court to use Guardianship assets.

It is your duty to protect and preserve the Protected Person's property, to account for the use of the property faithfully and to perform all the duties required by law of a Guardian. You may NOT make expenditures or investments from the Guardianship funds without Court authorization.

Guardianship funds must never be commingled with personal funds. A separate account for all Guardianship assets must be kept in your name as Guardian. Accurate accounts must be kept and accurate reports made. Unauthorized use of Guardianship funds can result in your being personally liable for the misuse of those sums.

As GUARDIAN of the personal affairs of the Protected Person, you are required to:

- 1. Make certain that the physical and mental needs of the Protected Person (food, clothing, shelter, medical attention, education, etc.) are property and adequately provided for;
- 2. File with the Court a status report as to the physical condition and general welfare of the Protected Person every two (2) years after your appointment.

It is important to understand that you have the same duties and responsibilities concerning the Protected Person whether or not the Protected Person is your relative.

If any questions arise during the Guardianship, you should consult with your attorney immediately.

I authorize my attorney to disclose to the Court any information relating to his or her representation of me a Guardian even if such information would be otherwise confidential.

I acknowledge I have read and understand the above instructions and agree to follow them carefully and further that I have kept a copy for my continued use and review.

Dated:		, 20
Cause Number: 06D01	GU	
The Guardianship of:		
By:		,Guardian

LR06-AR00-BLR-21 COURT SESSIONS

The Court shall convene promptly at 8:00 a.m., recess at 12:00 noon, reconvene at 1:00 p.m. and adjourn at 4:00 p.m. each day not a legal holiday. Court shall be in session Monday through Friday as specified above, unless a different time or day is ordered by the Judge of the Court.

In addition to the Court session immediately referred to hereinabove, Superior II and Circuit shall also convene in the first and third Wednesdays of each month beginning at 4:00 p.m. when cases are scheduled for such time and recess upon completion of such matters.

LR06-AR00-BLR-22 COURT CLOSING

- (1) When weather conditions or other emergencies arise, the court shall make a reasonable effort to contact the litigants scheduled for court if the Chronological Case Summary has the addresses and telephone numbers of the attorneys or pro se litigants.
- (2) The court shall not be responsible for contacting attorneys and pro se litigants if the Chronological Case Summary does not contain a current address where notices and orders are to be sent and a current telephone number where the attorney or pro se litigant can be reached during normal business hours.

LR06-AR15-BLR-23 COURT REPORTERS

The Local Rule for Court Reporters in the Circuit and Superior Courts of Boone County, is patterned after Model Option 2 of Administrative Rule #15.

- A. Court Reporters shall be paid an annual salary applied for by the Court and approved by the County Council, which salary shall be payment for regular work hours, gap hours, or overtime hours as the case may be, and which salary shall not include payment for the preparation of any transcripts.
- B. The salary shall be based upon a 35-hour work week. Should Court Reporters work gap hours from 35 to 40 hours per week on regular court business, they shall be entitled to overtime at the hourly rate or comp time on an hour-for-hour basis. Should Court Reporters work more than 40 hours in one week on regular court business, the Court Reporters should be paid time-and-a-half or receive comp time at the rate of one-and-a-half times the overtime hours worked.

- C. All transcripts, including indigent transcripts, transcripts done for private attorneys, deposition transcripts or any and all other such transcripts shall be prepared by the Court Reporters on their own time, off the court premises and pursuant to their own private business arrangements. Such transcripts shall be prepared on equipment purchased and owned by the Reporters, on paper obtained and paid for by the Court Reporters, and no materials or machinery belonging to the court shall be used in the preparation of such transcripts.
- D. Occasionally, it will be necessary for a Court Reporter to use the court's recording equipment for the purpose of taking a private deposition.
- E. On a request for a transcript to be produced in an ordinary time frame, Court Reporters may collect a per page rate not to exceed \$4.25 and a minimum fee of up to ten times the maximum per page rate;
- F. When parties request an expedited transcript, Court Reporters may collect a per page rate not to exceed \$8.50, said rate being subject to negotiation between Court Reporter and requester, depending on circumstances;
- G. Index and Table of Contents pages shall be charged at the same per page rate as is charged for the balance of the transcript;
- H. An additional hourly labor charge based upon the Court Reporter's annual court compensation may be collected for time spend binding the transcript and exhibit binders;
- I. A reasonable charge for office supplies required and utilized for binding and electronic transmission of the Transcript may be collected pursuant to Indiana Rules of Appellate Procedure 28 and 29; the costs of which shall be determined pursuant to a Schedule of Transcript Supplies established and published annually by the Judges.

LR06-TR63-BLR-24 PRO-TEM JUDGES (TEMPORARY JUDGES)

As needed, a Judge Pro-Tem will be appointed according to schedules provided by the Boone County Bar Association. Such Judge Pro-Tem shall hear provisional matters in dissolutions, final uncontested dissolutions, modification petitions not exceeding one-half hour, proceedings supplemental, contempt/show cause hearings, and other matters at the discretion of the regular Judge. This rule will apply whether the regular Judge is physically present, and whether the regular Judge is conducting other Court business. Said Judges Pro-Tem is hereby designated as "Temporary Judges" pursuant to Indiana Code 33-13-16-1 through 33-13-16-11.

WHEN OTHER JUDGES PRESIDE

Each regular sitting Judge of Circuit Court, Superior Court I or Superior Court II shall be empowered to act as temporary judges in the absence of the regular sitting judge of any other respective Court.

LR06-TR79-BLR-25 COORDINATED LOCAL RULE ON SELECTION OF SPECIAL JUDGE IN CIVIL CASES

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Boone County, in conjunction with the other Courts of Administrative District 12 (Clinton County, Hamilton County, and Tipton County), have adopted the following rule to establish procedures for the selection of special judges in civil cases:

209.20 Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79 (J).

209.30 If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

209.30.10 If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

209.30.20 If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

209.30.30 If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

209.40 A special judge selected under **209.30** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

209.50 In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

(Effective amended July 1, 2011; further amended May 15, 2013)

LR06-AR00-BLR-26 UNRULY OR DISRUPTIVE CONDUCT PROHIBITED

The Judges of the Boone County Courts, including any duly appointed Commissioner or Judge Pro Tem, Special Judge or any Judicial Officer and/or any Law Enforcement Official/Courthouse Security Personnel and/or any Court staff have the authority to remove or cause to be removed from the Courts of Boone County, including but not limited to the Courtrooms, offices and Courthouse, any person, whom in their opinion is being unruly, disruptive, disorderly, disrespectful or otherwise using profanity or engaging in conduct with disturbs or hinders the operation of the Courts.

LR06-AR00-BLR-27 NO WEAPONS OR PERSONAL PROTECTION DEVICES ALLOWED IN THE COURTHOUSE

No guns, knives or weapons of any kind shall be allowed in the Boone County Courthouse except those in the possession of law enforcement officers or other persons duly authorized by the Judges to possess the same in the Courthouse.

No personal protection devices, including body armor, mace, pepper spray, protective clothing, gloves or other such related items shall be allowed in the Courtrooms at any time, except by those in law enforcement officers in the course of their duties or by other persons authorized by the Judges to possess the same in the Courthouse.

Courthouse Security Personnel are authorized to conduct searches of anyone in the Courthouse to insure compliance with this Rule.

LR06-AR00-BLR-28 PHOTOGRAPHS, BROADCASTING, TELEVISING AND RECORDING PROHIBITED

The Boone Circuit and Superior Courts hereby specifically adopt CANON 3-B (13) OF THE INDIANA CODE OF JUDICIAL CONDUCT, ADOPTED BY THE SUPREME COURT OF INDIANA AS FOLLOWS:

- "(13) A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judgment may authorize:
 - (A) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;
 - (B) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;
 - (C) the photographic or electronic recording and production of appropriate court proceedings under the following conditions:
 - (1) the means of recording will not distract participants or impair the dignity of the proceedings;
 - (2) the parties have consented, and the consent to being depicted or recorded has been obtained from each
 - (3) the reproduction will not be exhibited until after the proceedings has been concluded and all direct appeals have been exhausted; and,
 - (4) the reproduction will be exhibited only for instructional purposes in educational institutions."

In compliance with this rule, broadcasting, televising, recording and the taking of photographs are prohibited in these areas of each court:

Courtroom

Office of the Judge's Staff

Judge's Chambers

Witness waiting area

The entire third floor is included as a prohibited area, as is the Commissioner's office, the Guardian ad Litem's office and the Video Hearing Room.

The areas immediately outside all entrances to the Superior II Courtroom and the Superior II Jury Deliberation Room.

On a limited basis, photographs may be taken when authorized by the Judges.

LR06-AR00-BLR-29 CIVILITY

The following standards are designed to encourage us, judges and lawyers alike, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

We expect judges and lawyers will make a mutual and firm commitment to these standards. Voluntary adherence is expected as part of a commitment by all participants to improve the administration of justice.

These standards shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these standards supersedes or detracts from existing disciplinary codes or alters existing standards of conduct against which lawyer negligence may be determined.

These standards should be reviewed and followed by all judges and lawyers participating in any proceeding in the Boone County court system. Copies may be made available to clients to reinforce our obligation to maintain and foster these standards.

Lawyers' Duties to Other Counsel

- 1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of clients. We will treat all other counsel, parties, and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications.
- 2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties or witnesses. We will treat adverse witnesses and parties with fair consideration.
- 3. We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.
- 4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.
- 5. We will not seek court sanctions without first conducting a reasonable investigation and unless fully justified by the circumstances and necessary to protect our client's lawful interests.
- 6. We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.
- 7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the opportunity for review of the writing to other counsel.

As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.

- 8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement as a means to adjourn discovery or to delay trial.
- 9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.
- 10. We will not use any form of discovery or discovery scheduling as a means of harassment.
- 11. We will make good faith efforts to resolve by agreement our objections to matters contained in pleadings and discovery requests and objections.
- 12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
- 13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.
- 14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
- 15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.
- 16. We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.
- 17. We will agree to reasonable requests for extension of time and for waiver of procedural formalities, provided our clients' legitimate rights will not be materially or adversely affected.
- 18. We will not cause any default or dismissal to be entered without first notifying opposing counsel when we know his or her identity.
- 19. We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions for the purposes of harassment or to increase litigation expenses.
- 20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.
- 21. We will not obstruct questioning during a deposition or object to deposition questions unless necessary under the applicable rules to preserve an objection or privilege for resolution by the court.
- 22. During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action.

- 23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary for the prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party.
- 24. We will respond to document requests reasonably and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents.
- 25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to place an undue burden or expense on a party.
- 26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information.
- 27. We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information.
- 28. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.
- 29. We will not ascribe a position to another counsel that counsel has not taken or otherwise seek to create an unjustified inference based on counsel's statements or conduct.
- 30. Unless specifically permitted or invited by the court, we will not send copies of correspondence between counsel to the court.

Lawyers' Duties to the Court

- 1. We will speak and write civilly and respectfully in all communications with the court.
- 2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
- 3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
- 4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
- 5. We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.
- 6. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.

- 7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.
- 8. We will act and speak civilly to court clerks, court reporters, and secretaries, with awareness that they, too, are an integral part of the judicial system.

Courts' Duties to Lawyers

- 1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.
- 2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral commendations with lawyers, parties, or witnesses.
- 3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.
- 4. In scheduling all hearings, meetings and conferences, we will be considerate of time schedules of lawyers, parties, and witnesses.
- 5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.
- 6. We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.
- 7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.
- 8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.
- 9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom, or the causes which a lawyer represents.
- 10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.
- 11. We will not adopt procedures that needlessly increase litigation expense.
- 12. We will bring to lawyers' attention uncivil conduct which we observe.

LR06-AR01-BLR-30 BOONE COUNTY'S CASE LOAD PLAN

We, the undersigned Judges of Boone County in compliance with Indiana Administrative Rule 1(E), hereby adopt Local Rule 30 entitled "Boone County's Case Load Plan."

WHEREAS, Indiana Administrative Rule 1(E) requires the Judges of Boone County to implement a caseload allocation plan for the county that ensures an even distribution of judicial workload among the courts of record in the county; and

WHEREAS, the Courts of Boone County, pursuant to Legislative direction and the evolution of time, have acquired certain subject matter expertise that the Judges of Boone County believe should not be altered, but instead should be preserved and enhanced upon, i.e., Circuit Court has exclusive jurisdiction over all juvenile matters, including, but not limited to, Status Offenses, Delinquent Offenses, CHINS proceedings and Paternity matters; Superior I has exclusive jurisdiction over all Estates, Guardianships, Probate matters and Adoptions; and Superior II has exclusive jurisdiction over all Small Claims and certain Alcohol and Drug Offenses;

WHEREAS, the Judges of Boone County have met and discussed Indiana Administrative Rule 1(E) and have established the following plan for allocation of judicial resources within Boone County which maintains the integrity of the courts in Boone County:

IT IS THEREFORE ORDERED by the Judges of Boone County that for calendar year 2009 and beyond, within 60 days of the Supreme Court's issuance of the previous year's Weighted Caseload Report, as reported by the Division of State Court Administration, the report will be reviewed by the Judges to determine whether Boone County's caseload complies with Indiana Administrative Rule 1(E).

To the extent that the difference in utilization of any two (2) Courts of Record exceeds 0.40 percentage points, then the Judges of Boone County agree to alter or modify the distribution of cases in the County to bring each Court within the range of 0.40 percentage points by amending Local Rule 13, Non-Discretionary filing of Criminal Cases. If all the courts of record are within 0.40 percentage points then no action will be taken.

The Judges of Boone County have determined that this method can be implemented with very little administrative effort and that it will have a minimal effect on the Prosecuting Attorney's office and a negligible effect on the Local Bar Association. The statistics for the previous year's criminal filings are readily available and the necessary adjustments can be made very quickly and modifications made to Local Rule 11 can be easily distributed to the Clerk's Office and the Prosecutor's Office.

Consistent with the schedule to be set and monitored by the Indiana Supreme Court Division of State Court Administration (Division), the Boone County Judges will review weighted caseload statistics and submit a new caseload allocation plan or resubmit an existing plan every two (2) years. In addition, an amended Local Rule 13 will be implemented by Boone County Judges, when applicable. Moreover, the Judges of Boone County have agreed to review this Rule every two years to determine whether other adjustments should be made in the distribution of cases in Boone County outside the spectrum of Local Rule 11.

LR06-AR00-BLR-31 COMPLIANCE WITH RULES

All counsel and/or parties having matters before the Boone Circuit, Superior I or Superior II Courts are presumed to have knowledge of the Courts' Rules and are expected to comply accordingly.

LR06-AR00-BLR-32 CONFLICTS IN RULES

In the event of conflict between these rules and the Rules of the Supreme Court of Indiana the applicable law or the Rule of the Supreme Court of Indiana shall govern.

LR06-TR81-BLR-33 NOTICE

Copies of the foregoing Rules shall be certified to the Indiana Supreme Court and the Court of Appeals pursuant to Indiana Rules of Procedure, T.R. 81. Copies of these Rules shall be posted in the Clerk's Office, on the bulletin board in the respective Courts to which these rules apply and a copy of these rules shall at all times be available at counsel tables in open Court of the respective Courts to which the rules apply.